

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12CV571-GCM-DCK

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed July 25, 2013. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. Plaintiff timely filed an objection.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and a de novo review of the record, the Court concludes that the recommendation to deny the Plaintiff's Motion for Summary Judgment and grant the Defendant's Motion for Summary Judgment is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED and Defendant's Motion for Summary Judgment is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: January 8, 2014



Graham C. Mullen  
United States District Judge

